

this law. In the war of 1812, I believe, and in the war with Mexico, the federal government called upon the State for troops, not like it does now, but through its executive officer, and the State then got volunteers in the Mexican war; but in the war of 1812 it called out its militia. And there is a large class of your citizens who say that was the proper way for our government to have done, and that it was a violation of State's rights to draft directly; that the federal government ought to have called upon the several States for their respective quotas, and those States ought to have supplied them to the federal government. Now if the federal government were to call upon the governor of the State of Maryland for a portion of its militia, would these men be reached at all? You could not get this exempted class of citizens into the service even of the United States. It was said last night that the federal government would cure this difficulty; that they would reach this class of our citizens, and there was no necessity for us to endanger the passage of the constitution by refusing this concession. I think it is unmanly and mean to throw upon the shoulders of the federal government that which you are unwilling to stand up to yourselves. If you are not willing to stand up to a principle yourself, it is unmanly to take shelter behind the shoulders of the federal government. If it is right for the federal government to call upon this class of citizens in times of distress and necessity, to enforce its laws, then it is right for you to recognize that principle in your constitution. If it is improper in morals and in politics for a State to call upon all classes of its citizens, without distinction, to render military service in times of need, then you should not throw upon the shoulders of the federal government the duty of calling these men out.

Now the federal government has not exempted this class of citizens. Under the draft which is to take place on the fifth of September no one is exempted, not even ministers of the gospel are exempted. The only concession the federal government makes is this—that this class of persons who have conscientious scruples about performing military duty, those ministers of the gospel who have some conscientious scruples about violating their vows, are placed in the hospital service of the country. Now I think it is very improper to make the distinction proposed here, and put it in the fundamental law of the State, thereby taking away from the legislature of Maryland all power to change it. Suppose you establish a military system in the State of Maryland. Your militia, to be worth one cent, will require these men to be drilled, to be called out once a week, or once a month at least. What will be the result? You force a large class of men away from their work, who can ill spare the time, make them go through military evolutions, discipline them

in the art of bearing arms; while you exempt another large class, and leave them free to go and make money, and carry on their business, without even paying a fine. Is that just?—Yet this section that you are about to pass contemplates this very thing. You compel a large class of our citizens to come into this thing; you make them discipline themselves by meeting in companies and in brigades.—And then you exempt entirely another large class. Is that equal-handed justice? Is it not fair that you should treat all your citizens alike? Should you make any distinction between them?

Gentlemen talk about endangering the passage of the constitution. I say this is a two-edged sword; it will cut both ways. Do you suppose men whose families are dependent upon their efforts for support, are so stolid and stupid as not to see the injustice of this matter? It is a dangerous thing to let it become known in the settled portions of this State that this injustice is done to a large class of citizens, and they will vote against your constitution. I believe there are numbers in the town of Hagerstown, who, if they once understood this gross injustice, would not touch your constitution. I say it is a dangerous thing. Be governed by principle; do what is right and just, and do not bind your legislation to a miserable policy, that does not bottom itself upon firm and just legislation. It is a miserable thing at best, and in the end is bound to fail. Let all your legislation be enlightened; let it be founded on just and fair principles, principles that no man can gainsay, that will stand the test. Any other species of legislation is false, and is bound to do more injury than good in the end.

The question was upon the amendment of Mr. NEGLEY to the first section.

Upon this question Mr. NEGLEY called for the yeas and nays, and they were ordered.

The question was then taken by yeas and nays, and resulted—yeas 11, nays 48—as follows:

*Yeas*—Messrs. Belt, Billingsley, Dent, Henkle, Lansdale, Lee, Marbury, Mayhugh, Miller, Negley, Smith, of Carroll—11.

*Nays*—Messrs. Goldsborough, President; Abbott, Annan, Baker, Barron, Blackiston, Brown, Carter, Clarke, Cunningham, Cushing, Daniel, Davis, of Washington, Ecker, Farrow, Galloway, Greene, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Keefer, Kennard, Larsh, Markey, McComas, Mullikin, Parker, Pugh, Purnell, Ridgely, Russell, Sands, Schley, Schlosser, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Wickard, Wooden—48.

The amendment was accordingly rejected.

Mr. LANSDALE moved to amend by inserting the word "white" before the words "male citizens."